

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Benjamin Antioquia is a member of the Dental Examiners Board for the Department of Consumer Affairs (the “Department”). He assumed office on January 1, 1997. As a member of the Dental Examiners Board, Respondent is a designated employee of the Department, as defined in section 82019, subdivision (c) of the Political Reform Act (the “Act”),<sup>1</sup> and in the conflict of interest code for the Department.

Under the Act and the Department’s conflict of interest code, each designated employee of the Department is required to file an annual statement of economic interests for each year that the official remains in office by April 1<sup>st</sup> of the following year (unless April 1<sup>st</sup> falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).<sup>2</sup> On the statement of economic interests, the designated official must disclose his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to timely file a 2001 and 2002 annual statement of economic interests.

For the purposes of this Stipulation, Respondent’s violations are stated as follows:

Count 1: As a designated employee of the Department of Consumer Affairs, Respondent Benjamin Antioquia failed to file a 2001 annual statement of economic interests by April 2, 2002, in violation of section 87300 of the Government Code.

Count 2: As a designated employee of the Department of Consumer Affairs, Respondent Benjamin Antioquia failed to file a 2002 annual statement of economic interests by April 1, 2003, in violation of section 87300 of the Government Code.

### **SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Regulation 18116.

designate the employees of the agency who are required to file statements of economic interests, disclosing their reportable investments, business positions, interests in real property, and other sources of income. Under section 82019, subdivision (c), and section 87302, subdivision (a), the persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the person's economic interests.

Section 87302, subdivision (b) provides that an agency's conflict of interest code must require each new designated employee to file an annual statement of economic interests, for each year that the employee remains in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable economic interests held during the preceding calendar year.

Under the provisions of the Department's conflict of interest code, each designated employee must file his or her statements of economic interests with the Department, which shall retain a copy of the statement, and forward the original to the Fair Political Practices Commission (the "Commission"), which has been designated in the Department's conflict of interest code as the filing officer for the Department.

Under section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

## **SUMMARY OF THE FACTS**

Respondent is a member of the Dental Examiners Board for the Department of Consumer Affairs. He assumed office on January 1, 1997. As a member of the Dental Examiners Board, Respondent is a designated employee of the Department, as defined in section 82019, subdivision (c), and in the conflict of interest code for the Department.

### **Count 1**

#### **Failure to Timely File a 2001 Annual Statement of Economic Interests**

The Department's conflict of interest code requires a designated employee to file an annual statement of economic interests for each year that the designated employee remains in office no later than April 1<sup>st</sup> of the following year. Respondent was required to file a 2001 annual statement of economic interests by April 2, 2002, because April 1<sup>st</sup> fell on a holiday that year.

Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date, in violation of section 87300.

On August 14, 2002, Emily Bowden of the Commission's SEI Unit, sent a letter to Respondent, advising him that his 2001 annual statement of economic interests was past due, and asking him to file the statement within 30 days.

Respondent filed his 2001 annual statement of economic interests on August 23, 2002, more than four months after the due date.

**Count 2**  
**Failure to Timely File a 2002 Annual Statement of Economic Interests**

Under the Department's conflict of interest code, as a designated employee, Respondent was required to file a 2002 annual statement of economic interests by April 1, 2003.

Respondent failed to file a 2002 annual statement of economic interests by the April 1, 2003 due date, in violation of section 87300.

On June 20, 2003, Emily Bowden of the Commission's SEI Unit, sent a letter to Respondent, advising him that his 2002 annual statement of economic interests was past due, and asking him to file the statement within 30 days. On July 30, 2003, after receiving no reply from Respondent, Ms. Bowden sent a second letter to Respondent, stating that his 2002 annual statement of economic interests remained past due, and urging Respondent to file the statement within ten days. On October 6, 2003, Ms. Bowden sent a third letter to Respondent, stating that his 2002 annual statement of economic interests remained past due, and asking Respondent to file the statement within 30 days.

Respondent filed his 2002 annual statement of economic interests on October 27, 2002, more than six months after the due date.

**CONCLUSION**

This matter consists of two counts of violating section 87300, which carry a maximum administrative penalty of \$10,000. Because there are two violations, this matter was not handled under the SEI Expedited Procedures adopted by the Commission in July 1999. However, these violations are similar to those in cases regularly handled under the program. In this case, Respondent established a two year history of filing statements late. But, in each instance, Respondent filed his delinquent statement prior to being contacted by the Enforcement Division SEI Coordinator. As such, an administrative penalty similar to those imposed under the program is appropriate.

Under the SEI Expedited procedures, the approved administrative penalty for a person who files a delinquent statement of economic interests within thirty days of being contacted by the SEI Coordinator for the Enforcement Division, and agrees to an early resolution of the matter, is between \$200-\$300. In addition to filing his statements prior to Enforcement Division contact, Respondent was cooperative in reaching an early resolution of this matter. Therefore, the facts of this case justify imposition of the agreed upon penalty of \$300 for each violation, for a total administrative penalty of Six Hundred Dollars (\$600).